

REMARKS

Continued examination is respectfully requested in view of the amendments and the following remarks.

Disposition of Claims

The claims currently pending in the application are claims 26, 27, 31, and 49-82. Claims 1-24, 28-30, 32-48 have been cancelled, while claim 25 was not entered. In addition, new claims 49-82 have been added pursuant to the present Amendment.

Applicants' Invention is not Anticipated by Nemirofsky

The Examiner has rejected claims 26, 27, and 31 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,953,047 to Nemirofsky ("Nemirofsky").

With respect to independent claim 26, the Examiner asserts that Nemirofsky teaches a system for visually transmitting auxiliary data from a monitor for a computer system to a hand-held smart card having an optical detector and that the auxiliary data is transmitted from the monitor to the hand-held device by facing or manipulating the hand-held device to the monitor. The Examiner further contends that Nemirofsky discloses transmitting a graphic image and that while a TV cardholder is watching television, the TV Card Logo or icon is periodically displayed on the screen indicating that the card-readable data is available. Finally, the Examiner asserts that Nemirofsky discloses receiving the optical data on the hand-held smart card via an optical detector and processing the received auxiliary data and providing promotional opportunities that can be redeemed at a point of sale.

In response, Applicants have amended independent claim 26 to overcome Nemirofsky. In particular, claim 26 has been amended to recite the further limitation that a visual image is displayed on the monitor that broadcasts the auxiliary data from the visual image as a result of the use of the computer system by a user of the hand-held device. Applicants aver that no new matter is being introduced by virtue of the amendment to the claim and that proper antecedent basis is provided in the specification for these claims. See page 32 lines 10-24.

Based on the foregoing, Nemirofsky does not anticipate independent claim 26 as now amended and the Examiner is respectfully requested to withdraw his rejection of claim 26 and indicate the allowance thereof as well as dependent claim 27 based on its respective dependency to independent claim 26.

With respect to independent claim 31, the Examiner asserts that Nemirofsky discloses an interactive smart card system used for the redemption of promotional opportunities, where the smart card includes a microprocessor, a random access memory and a programmable memory and a liquid crystal display. The Examiner further asserts that Nemirofsky discloses a user interaction means and a photodetector/scan detector. Finally, the Examiner asserts that Nemirofsky discloses a laser triggering means that is met by the photodetector/scan detector which is electronically connect to the photodetector.

A review of Nemirofsky shows that the scan detector circuit (150) is optically bonded to the LCD (42), for the purpose of detecting a laser scan during a scan of a bar code visually presented on the LCD. See Col 7 line 63 - Col 8 line 1, Col 8 lines 11-18 and lines 57-60. In contrast, Applicants laser

detection hardware is electronically connected to the microprocessor for the purpose of triggering a code or alphanumeric message on the LCD that is to be visually read by a cashier. See page 30 lines 9-16 and page 31 lines 10-11. In further contrast to Nemirofsky, Applicants' LCD is not scanned when the scan is received by laser detection hardware. See page 29 lines 18-21.

Based on the foregoing, Nemirofsky does not anticipate independent claim 31 as now amended and the Examiner is respectfully requested to withdraw his rejection of claim 31 and indicate the allowance thereof as well as dependent claims 49-51 based on their respective dependencies to independent claim 31.

Conclusion

The pending and amended claims are submitted to clarify and distinctly claim what the applicants consider as their invention. Applicants have thereby submitted claims that specifically recite elements neither shown nor suggested in the prior art and to make clear the manner in which those elements cooperate to provide the unique advantages of the present invention.

Based on the foregoing, allowance of claims 26, 27, 31, and 49-82 is solicited. Should the Examiner have any questions, comments or suggestions which would place the application in a condition for allowance, he is respectfully requested to call the undersigned attorney.

Respectfully submitted,

10/27/05

Date

Randy L. Canis

Randy L. Canis, Reg. No. 44,584

Attorney for Applicant

CUSTOMER NUMBER: 22807

Greensfelder, Hemker & Gale, PC

10 S. Broadway, Suite 2000

St. Louis, Missouri 63102

314-241-9090 Telephone

314-345-4704 Facsimile